

Message

From: "McCafferty, Katherine A POA" ["McCafferty, Katherine A POA" <Katherine.A.McCafferty2@usace.army.mil>]
Sent: 8/11/2010 11:00:06 PM
To: Patricia McGrath/R10/USEPA/US@EPA;"jeff parker" [Ex. 6 PII Jeff parker]; jeff parker [Ex. 6 PII Jeff parker]
CC: Cara Steiner-Riley/R10/USEPA/US@EPA;Mark Jen/R10/USEPA/US@EPA;"Stolzman, Robert L POA"
[Robert.L.Stolzman@usace.army.mil]; ark Jen/R10/USEPA/US@EPA;"Stolzman, Robert L POA"
[Robert.L.Stolzman@usace.army.mil]; Stolzman, Robert L POA" [Robert.L.Stolzman@usace.army.mil]; ami
Fordham/R10/USEPA/US@EPA; [Ex. 6 PII] Casey, Dave C POA"
[Dave.C.Casey@usace.army.mil]; Casey, Dave C POA" [Dave.C.Casey@usace.army.mil]
Subject: RE: meeting on friday
Attachments: meeting.ics

Hi Patty,
Per Dave's email, attached, the meeting is from 1:30 to 3:00. Mr. Jen's
email, attached, was regarding the reservation of the conference room.

Thanks,

Katie McCafferty
Project Manager
U.S. Army Corps of Engineers
Regulatory Division, Kenai Field Office
805 Frontage Road, Suite 200C
Kenai, AK 99611-7755
phone: 907-283-3519
fax: 907-283-3981

-----Original Message-----

From: Mcgrath.Patricia@epamail.epa.gov
[mailto:Mcgrath.Patricia@epamail.epa.gov]
Sent: Wednesday, August 11, 2010 2:46 PM
To: jeff parker
Cc: Steiner-Riley.Cara@epamail.epa.gov; McCafferty, Katherine A POA;
Jen.Mark@epamail.epa.gov; Stolzman, Robert L POA;
Fordham.Tami@epamail.epa.gov; [Ex. 6 PII] Casey, Dave C POA;
McCafferty, Katherine A POA
Subject: RE: meeting on friday

Dave -
You organized the meeting, does it start at 1 or at 1:30? Either time
works for us, but we need to know.
thanks -
Patty

From: "jeff parker" [Ex. 6 PII Jeff parker]

To: Patricia McGrath/R10/USEPA/US@EPA, [Ex. 6 PII], Cara
Steiner-Riley/R10/USEPA/US@EPA, Mark
Jen/R10/USEPA/US@EPA, <Robert.L.Stolzman@usace.army.mil>,
<Katherine.A.McCafferty2@usace.army.mil>,
Patricia McGrath/R10/USEPA/US@EPA

Cc: Tami Fordham/R10/USEPA/US@EPA

Date: 08/11/2010 11:28 AM

Subject: RE: meeting on friday

Hi Patty,

Here is what I received from Mark Jen:

GSA Conference Room 154 in the Federal Building for 1:00 pm on Friday, August 13. It is in the 1st Floor atrium.

I'll represent my clients as originally stated, as initially investigating potential cooperating agency status for the Tribes, in order to report back to them. If the Tribes request cooperating agencies (as I have encouraged), then I would expect more direct contact, rather than me as an intermediary, though I will remain available as counsel.

I raised the possibility of combining events when I learned about the mining information sessions. I will send out today a note that if they want to attend or are going to be in Anchorage, they are of course welcome.

As I recall what Mr. Meacham and I wrote on their behalf, we thought we could investigate:

(1) What are issues that might arise in an EIS process upon which the COE, EPA or others might think the Tribes could be most helpful to other agencies?

We suggested subsistence-related issues, such as

- (a) use-areas,
- (b) traditional ecological knowledge,
- (c) species involved, and irreplaceability of particular resources,
- (d) levels of existing competition, etc., and
- (e) comparison of subsistence behavior and competition on state vs.

federal land, because both are in the area and the land is under respective state and federal subsistence regimes. You may see others I have missed.

(2) Are there field activities upon which they might help? Some of the tribal members have been participating in water quality work, of which I have no detailed knowledge, but which I believe is funded by BIA or EPA.

I think the focus has been on the Kaktuli.

(3) What sort of funding sources exist for work done by Tribes where the work product may be of assistance to a NEPA process? I understand that the COE does not have grant programs, that EPA does, the DOI and BIA appear to have them? Would the COE or EPA be willing to work with the Tribes in securing non-federal grant funds? You may have other suggestions along those lines.

I also want to be available to you now and in the future to offer thoughts on matters that my clients or I have raised, but which may not be clear on first blush. An example is interplay of the 2005 BBAP and NEPA that arises under NEPA regulations.

I hope that we'll cover these matters. Detail is not necessary at this time. I view my roles here as an initial conduit, between your agencies and the Tribal Councils that are my clients, as well as their counsel. If any of you have suggestions for how I can best perform either function with respect to cooperating agency status, I welcome suggestions. As Patty and I probably both recall from Dillingham, the Tribes spoke frequently to EPA of their desire for a substantive, government-to-government relationship.

I appreciate that federal agencies respect that relationship. I hope that we can make it substantive and beneficial to all.

Best regards,

Jeff Parker

Thanks -- Jeff

-----Original Message-----

From: Mcgrath.Patricia@epamail.epa.gov

[mailto:Mcgrath.Patricia@epamail.epa.gov]

Sent: Wednesday, August 11, 2010 8:00 AM

To: **Ex. 6 PII Jeff parker**; **Ex. 6 PII** Steiner-Riley.Cara@epamail.epa.gov;

Jen.Mark@epamail.epa.gov; Robert.L.Stolzman@usace.army.mil;

Katherine.A.McCafferty2@usace.army.mil;

mcgrath.patricia@epa.gov

Cc: Fordham.Tami@epamail.epa.gov

Subject: meeting on friday

As you know, EPA has postponed the mining information sessions in Dillingham and Iliamna. However, I am still planning to be in Anchorage for other meetings and participating in-person at our meeting on friday at 1:30 pm Alaska time.

Jeff - were you planning to bring any of the tribal leaders in for this meeting?

Mark - can you please resend the meeting room location and the meet-me-line number. Cara will be calling in from Seattle.

thanks - Patty

Subject: Pebble Meeting Concerning Potential NEPA Roles for Tribes

Date: Thu, 29 Jul 2010 14:56:08 -0800

Message-ID: <587D9CC5677504488F3A732AF6AD0F08329D4A@poa-ml1anc.poa.ds.usace.army.mil>

From: "Casey, Dave C POA" <Dave.C.Casey@usace.army.mil>

To: "Geoffrey Parker - Law Office of Geoffrey Y. Parker" <Ex. 6 PII Jeff parker>, "Thomas E. Meecham" <Ex. 6 PII
<Steiner-Riley.Cara@epamail.epa.gov>, <Jen.Mark@epamail.epa.gov>, "Stolzman, Robert L POA"
<Robert.L.Stolzman@usace.army.mil>, "McCafferty, Katherine A POA" <Katherine.A.McCafferty2@usace.army.mil>, "Patti
McGrath - EPA" <mcgrath.patricia@epa.gov>

Cc: "Shearer, Amanda M POA" <Amanda.M.Shearer@usace.army.mil>, "Meyers, Steve POA" <Steve.Meyers@usace.army.mil>

Content-Type: multipart/alternative; boundary="----=_NextPart_002_01CB2F71.3DB5FE8F"

Content-class: urn:content-classes:calendarmessage

MIME-Version: 1.0

X-MimeOLE: Produced By Microsoft Exchange V6.5

X-MS-Has-Attach:

X-MS-TNEF-Correlator:

Thread-Topic: Pebble Meeting Concerning Potential NEPA Roles for Tribes

Thread-Index: AcsvcTm1Oojl9yOySuuNT6495kTb8AAAADLQ

When: Friday, August 13, 2010 1:30 PM-3:00 PM (GMT-09:00) Alaska.

Where: TDB

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Hello Jeff et. al.,

August 13th will work for the Corps and having tribal representatives present
is welcomed by the Corps, too.

Patti/Mark - Could would use a EPA conference Room? Ours in the Anchorage
Field Office is too small and holding the meeting on base will be
inconvenient for many.

As far as the Agenda goes, here's a Draft to begin the discussion.

Date: August 13, 2010

Time: 1:30 PM to 3:00 PM

Location: To Be Determined

1. Introductions
2. Explanation of the Corps Regulatory Program (10 minutes)
3. Explanation of EPA's Authorities (10 minutes)
4. G. Parker May 2010 Letter to Corps and EPA (Parker)
 - 4.1. NEPA and Cooperating Agency Status
 - 4.2. Joint-Lead Agencies

The reason I have the Corps and EPA up before the letter is to help underpin
the discussion we'll have on about the letter.

I will be out of the office from the afternoon of Friday July 30 to August

11. While the agenda is being worked and finalized, please coordinate with
Katie McCafferty who is our Project Manager for the proposed mine.

Thanks,

dc

Dave Casey
Kenai Field Office Supervisor
(907) 283-3519

From: jeff parker [Ex. 6 PII Jeff parker]
Sent: Sunday, July 18, 2010 12:15 PM
To: Mcgrath.Patricia@epamail.epa.gov
Cc: Casey, Dave C POA; Steiner-Riley.Cara@epamail.epa.gov; McCafferty, Katherine A POA; Stolzman, Robert L POA; 'Thomas E. Meecham'; Jen.Mark@epamail.epa.gov
Subject: RE: Pebble Meeting Concerning Potential NEPA Roles for Tribes

Patty et al..

I understand that you are going to be in AK for meetings in SW AK re NEPA. Because cooperating agency issues are a matter of NEPA, I want to float with all of you the idea of bringing the client tribes into the meeting. The letter of May 21, from me and co-counsel, requested a preliminary meeting of us with COE and EPA officials to address preliminary issues mentioned in the letter, so that we could report back to the tribes. Because you and perhaps others from outside of AK will be here, it might make sense to re-think and have tribal representatives present.

I would appreciate your thoughts. Nevertheless, we will need an agenda for this meeting. We can all assist.

Jeff

From: Mcgrath.Patricia@epamail.epa.gov
[mailto:Mcgrath.Patricia@epamail.epa.gov]
Sent: Sunday, July 18, 2010 9:24 AM
To: jeff parker
Cc: 'Casey, Dave C POA'; Steiner-Riley.Cara@epamail.epa.gov; 'McCafferty, Katherine A POA'; 'Stolzman, Robert L POA'; 'Thomas E. Meecham'; Jen.Mark@epamail.epa.gov
Subject: RE: Pebble Meeting Concerning Potential NEPA Roles for Tribes

Dave -
Can we plan on Aug 13? That way I can attend in person. Anytime before 3:30 pm works for me.
thanks -
Patty

-----"jeff parker" [Ex. 6 PII Jeff parker] wrote: -----
To: Patricia McGrath/R10/USEPA/US@EPA, "Casey, Dave C POA"
<Dave.C.Casey@usace.army.mil>
From: "jeff parker" [Ex. 6 PII Jeff parker]
Date: 07/17/2010 04:12PM
Cc: Cara Steiner-Riley/R10/USEPA/US@EPA, "McCafferty, Katherine A POA"
<Katherine.A.McCafferty2@usace.army.mil>, "Stolzman, Robert L POA"
<Robert.L.Stolzman@usace.army.mil>, "Thomas E. Meecham" [Ex. 6 PII]
Mark Jen/R10/USEPA/US@EPA
Subject: RE: Pebble Meeting Concerning Potential NEPA Roles for Tribes

August 13 should work for me. Mr. Meacham will be out of town, but he says

to proceed.

Jeff

-----Original Message-----

From: Mcgrath.Patricia@epamail.epa.gov
[mailto:Mcgrath.Patricia@epamail.epa.gov]
Sent: Wednesday, July 07, 2010 9:11 AM
To: Casey, Dave C POA
Cc: Steiner-Riley.Cara@epamail.epa.gov; Geoffrey Parker - Law Office of
Geoffrey Y. Parker; McCafferty, Katherine A POA; Stolzman, Robert L POA;
Thomas E. Meecham; Jen.Mark@epamail.epa.gov
Subject: Re: Pebble Meeting Concerning Potential NEPA Roles for Tribes

Dave -

I just filled in the survey and selected only August 13 (anytime) as a date that works for me. That is because it is the only time that I can be in Anchorage in person for the meeting and I would prefer to be there in person. I checked with other EPA attendees (Mark Jen) and that will work for him.

Let me know if Aug 13 does not work for others and I can come up with alternate dates when I can conference call in.

- Patty

Patty McGrath
Regional Mining Coordinator
US EPA Region 10, OWW-135
1200 Sixth Avenue, Suite 900
Seattle, WA 98101
(206) 553-0979
mcgrath.patricia@epa.gov

From: "Casey, Dave C POA" <Dave.C.Casey@usace.army.mil>

To: "Thomas E. Meecham" [Ex. 6 PII] "Geoffrey Parker - Law
Office of Geoffrey Y. Parker"
[Ex. 6 PII] Patricia McGrath/R10/USEPA/US@EPA, Cara
Steiner-Riley/R10/USEPA/US@EPA,
"Stolzman, Robert L POA" <Robert.L.Stolzman@usace.army.mil>,
"McCafferty, Katherine A POA"
<Katherine.A.McCafferty2@usace.army.mil>

Date: 07/01/2010 01:32 PM

Subject: Pebble Meeting Concerning Potential NEPA Roles for Tribes

Hello Everyone,

The provided link is a scheduling survey intended to assist us in finding date/time to meet and discuss the May 21, 2010 letter from Mr. Parker addressed to Col. Koenig and Mr. John Pavitt.

<http://www.doodle.com/hs525qh63f4nyyvs>

Please try to complete the survey by COB July 6.

Thank you,

dc

Dave Casey
Kenai Field Office Supervisor
U.S. Army Corps of Engineers
805 Frontage Road, Suite 200C
Kenai, Alaska 99611-7755

Ph. 907-283-3519 Hello Jeff,

August 13th will work for the Corps and having tribal representatives present is welcomed by the Corps.

Patti/Mark - Could would use a EPA conference Room? Ours in the Anchorage Field Office is too small and holding the meeting on base will be inconvenient for many.

As far as the Agenda goes, here's something to get us started.

Date: August 13, 2010
Time: 1:30 PM to 3:00 PM
Location: To Be Determined

1. Introductions
2. Explanation of the Corps Regulatory Program (10 minutes)
3. Explanation of EPA's Authorities (10 minutes)
4. G. Parker May 2010 Letter to Corps and EPA (Parker)
 - 4.1. NEPA and Cooperating Agency Status
 - 4.2. Joint-Lead Agencies

The reason I have the Corps and EPA up before the letter is to help underpin the discussion we'll have on about the letter.

I will be out of the office from the afternoon of Friday July 30 to August 11. While the agenda is being worked and finalized, please coordinate with

Katie McCafferty who is our Project Manager for the proposed mine.

Thanks,

dc

Dave Casey
Kenai Field Office Supervisor
(907) 283-3519

From: jeff parker [Ex. 6 PII Jeff parker]
Sent: Sunday, July 18, 2010 12:15 PM
To: Mcgrath.Patricia@epamail.epa.gov
Cc: Casey, Dave C POA; Steiner-Riley.Cara@epamail.epa.gov; McCafferty, Katherine A POA; Stolzman, Robert L POA; 'Thomas E. Meecham'; Jen.Mark@epamail.epa.gov
Subject: RE: Pebble Meeting Concerning Potential NEPA Roles for Tribes

Patty et al..

I understand that you are going to be in AK for meetings in SW AK re NEPA. Because cooperating agency issues are a matter of NEPA, I want to float with all of you the idea of bringing the client tribes into the meeting. The letter of May 21, from me and co-counsel, requested a preliminary meeting of us with COE and EPA officials to address preliminary issues mentioned in the letter, so that we could report back to the tribes. Because you and perhaps others from outside of AK will be here, it might make sense to re-think and have tribal representatives present.

I would appreciate your thoughts. Nevertheless, we will need an agenda for this meeting. We can all assist.

Jeff

From: Mcgrath.Patricia@epamail.epa.gov
[mailto:Mcgrath.Patricia@epamail.epa.gov]
Sent: Sunday, July 18, 2010 9:24 AM
To: jeff parker
Cc: 'Casey, Dave C POA'; Steiner-Riley.Cara@epamail.epa.gov; 'McCafferty, Katherine A POA'; 'Stolzman, Robert L POA'; 'Thomas E. Meecham'; Jen.Mark@epamail.epa.gov
Subject: RE: Pebble Meeting Concerning Potential NEPA Roles for Tribes

Dave -

Can we plan on Aug 13? That way I can attend in person. Anytime before 3:30 pm works for me.

thanks -

Patty

-----"jeff parker" [Ex. 6 PII Jeff parker] wrote: -----

To: Patricia McGrath/R10/USEPA/US@EPA, "Casey, Dave C POA"

<Dave.C.Casey@usace.army.mil>

From: "jeff parker" [Ex. 6 PII Jeff parker]

Date: 07/17/2010 04:12PM

Cc: Cara Steiner-Riley/R10/USEPA/US@EPA, "McCafferty, Katherine A POA"

<Katherine.A.McCafferty2@usace.army.mil>, "Stolzman, Robert L POA"

<Robert.L.Stolzman@usace.army.mil>, "Thomas E. Meecham" [Ex. 6 PII]

Mark Jen/R10/USEPA/US@EPA

Subject: RE: Pebble Meeting Concerning Potential NEPA Roles for Tribes

August 13 should work for me. Mr. Meacham will be out of town, but he says to proceed.

Jeff

-----Original Message-----

From: Mcgrath.Patricia@epamail.epa.gov
[mailto:Mcgrath.Patricia@epamail.epa.gov]
Sent: Wednesday, July 07, 2010 9:11 AM
To: Casey, Dave C POA
Cc: Steiner-Riley.Cara@epamail.epa.gov; Geoffrey Parker - Law Office of
Geoffrey Y. Parker; McCafferty, Katherine A POA; Stolzman, Robert L POA;
Thomas E. Meecham; Jen.Mark@epamail.epa.gov
Subject: Re: Pebble Meeting Concerning Potential NEPA Roles for Tribes

Dave -

I just filled in the survey and selected only August 13 (anytime) as a date that works for me. That is because it is the only time that I can be in Anchorage in person for the meeting and I would prefer to be there in person. I checked with other EPA attendees (Mark Jen) and that will work for him.

Let me know if Aug 13 does not work for others and I can come up with alternate dates when I can conference call in.

- Patty

Patty McGrath
Regional Mining Coordinator
US EPA Region 10, OWW-135
1200 Sixth Avenue, Suite 900
Seattle, WA 98101
(206) 553-0979
mcgrath.patricia@epa.gov

From: "Casey, Dave C POA" <Dave.C.Casey@usace.army.mil>

To: "Thomas E. Meecham" [Ex. 6 PII] "Geoffrey Parker - Law
Office of Geoffrey Y. Parker"
[Ex. 6 PII] Patricia McGrath/R10/USEPA/US@EPA, Cara
Steiner-Riley/R10/USEPA/US@EPA,
"Stolzman, Robert L POA" <Robert.L.Stolzman@usace.army.mil>,
"McCafferty, Katherine A POA"
<Katherine.A.McCafferty2@usace.army.mil>

Date: 07/01/2010 01:32 PM

Subject: Pebble Meeting Concerning Potential NEPA Roles for Tribes

Hello Everyone,

The provided link is a scheduling survey intended to assist us in finding date/time to meet and discuss the May 21, 2010 letter from Mr. Parker addressed to Col. Koenig and Mr. John Pavitt.

<http://www.doodle.com/hs525qh63f4nyyvs>

Please try to complete the survey by COB July 6.

Thank you,

dc

Dave Casey
Kenai Field Office Supervisor
U.S. Army Corps of Engineers
805 Frontage Road, Suite 200C
Kenai, Alaska 99611-7755

Ph. 907-283-3519

Received: from eis-ml1itl.eis.ds.usace.army.mil ([140.194.245.33]) by poa-ml1anc.poa.ds.usace.army.mil with Microsoft SMTPSVC(6.0.3790.4675); Mon, 2 Aug 2010 08:36:43 -0800
Received: from cmx2.usace.army.mil ([140.194.245.34]) by eis-ml1itl.eis.ds.usace.army.mil with Microsoft SMTPSVC(6.0.3790.3959); Mon, 2 Aug 2010 11:36:28 -0500
Received: from gw3.usace.army.mil ([140.194.153.3]) by cmx2.usace.army.mil with Microsoft SMTPSVC(6.0.3790.3959); Mon, 2 Aug 2010 11:36:28 -0500
Received: from mblast01.rtp.epa.gov ([134.67.221.151]) by gw3.usace.army.mil with ESMTP; 02 Aug 2010 16:36:12 +0000
Received: from mblast01.rtp.epa.gov (localhost.localdomain [127.0.0.1]) by localhost (Postfix) with SMTP id 6DA46444CB; Mon, 2 Aug 2010 12:36:11 -0400 (EDT)
Received: from mintra02.rtp.epa.gov (mintra02.rtp.epa.gov [134.67.221.154]) by mblast01.rtp.epa.gov (Postfix) with ESMTP id 6350B444C8; Mon, 2 Aug 2010 12:36:11 -0400 (EDT)
Received: from mintra02.rtp.epa.gov (localhost.localdomain [127.0.0.1]) by localhost (Postfix) with SMTP id 5985544379; Mon, 2 Aug 2010 12:36:10 -0400 (EDT)
Received: from epahub12.rtp.epa.gov (v18h1drtgu012.aa.ad.epa.gov [134.67.222.135]) by mintra02.rtp.epa.gov (Postfix) with ESMTP id 265A444378; Mon, 2 Aug 2010 12:36:10 -0400 (EDT)
Subject: Pebble Meeting Concerning Potential NEPA Roles for Tribes
Date: Mon, 2 Aug 2010 08:36:06 -0800
Message-ID: <OFE24641E9.592EF68F-ON89257773.005A0C54-89257773.005C3168@epamail.epa.gov>
From: <Jen.Mark@epamail.epa.gov>
To: "Casey, Dave C POA" <Dave.C.Casey@usace.army.mil>, Ex. 6 PII Jeff parker, Ex. 6 PII <Steiner-Riley.Cara@epamail.epa.gov>, <Jen.Mark@epamail.epa.gov>, "Stolzman, Robert L POA" <Robert.L.Stolzman@usace.army.mil>, "McCafferty, Katherine A POA" <Katherine.A.McCafferty2@usace.army.mil>, <mcgrath.patricia@epa.gov>
Cc: "Shearer, Amanda M POA" <Amanda.M.Shearer@usace.army.mil>, "Meyers, Steve POA" <Steve.Meyers@usace.army.mil>
Content-Transfer-Encoding: quoted-printable

Content-Type: text/plain; charset="us-ascii"
X-MimeOLE: Produced By Microsoft Exchange V6.5
MIME-Version: 1.0
Return-Path: <Jen.Mark@epamail.epa.gov>
X-OriginalArrivalTime: 02 Aug 2010 16:36:28.0168 (UTC) FILETIME=[DAF13080:01CB3260]
X-SBRS: 4.5
X-IronPort-AV: E=Sophos;i="4.55,303,1278288000"; d="scan'208";a="99461507"
X-MIMETrack: Serialize by Router on EPAHUB12/USEPA/US(Release 8.5.1FP2| March 17, 2010) at 08/02/2010 12:36:10 PM
X-IronPort-Anti-Spam-Filtered: true
X-IronPort-Anti-Spam-Result: AsIBAGOQVkyGQ92XkWdsb2JhbACgExUBAQEBCQsKBxEFHcM3AoMIgi8EhBY
X-KeepSent: E24641E9:592EF68F-89257773:005A0C54; type=4; name=\$KeepSent
Content-class: urn:content-classes:message
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: Pebble Meeting Concerning Potential NEPA Roles for Tribes
Thread-Index: AcsyYO/YulFiNBQwRjO0U4/4Tjsxdg==

Greetings everyone:

I have reserved a GSA Conference Room 154 in the Federal Building for 1:00 pm on Friday, August 13. It is in the 1st Floor atrium.

Let me know if you need me to reserve a teleconference line for the meeting. Thanks.

Mark Jen
EPA Region 10 - Alaska Operations Office
222 W. Seventh Avenue, #19
Anchorage, AK 99513
tel: (907) 271-3411
fax: (907) 271-3424